
A BILL FOR AN ACT

RELATING TO WILDLIFE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to prohibit the
2 interisland transportation of wild or feral mammals.

3 SECTION 2. Chapter 183D, Hawaii Revised Statutes, is
4 amended by adding a new section to part IV to be appropriately
5 designated and to read as follows:

6 "§183D- Interisland transportation of wild or feral
7 mammals prohibited. No person shall intentionally, knowingly,
8 or recklessly transfer, transport, or release after transport
9 through interisland movement any wild or feral mammal; provided
10 that specimens of wild or feral mammals required for scientific
11 or educational purposes may be transported only when authorized
12 under a permit issued by the department."

13 SECTION 3. Section 183D-1, Hawaii Revised Statutes, is
14 amended by adding a new definition to be appropriately inserted
15 and to read as follows:

16 "Release" means to free an animal from effective
17 confinement or restraint."



1 SECTION 4. Section 183D-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§183D-5 Penalties. (a) Any person violating section
4 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under
5 this chapter shall be guilty of a petty misdemeanor, and upon
6 conviction thereof, shall be punished as follows:

7 (1) For a first conviction, by a mandatory fine of not
8 less than \$100, or imprisonment of not more than
9 thirty days, or both;

10 (2) For a second conviction within five years of a
11 previous conviction, by a mandatory fine of not less
12 than \$500, or by imprisonment of not more than thirty
13 days, or both, and all firearms used in the commission
14 of [~~such~~] the violations shall be considered
15 contraband to be forfeited to and disposed of by the
16 State; and

17 (3) For a third or subsequent conviction within five years
18 of the first two or more convictions, by a mandatory
19 fine of not less than \$1,000, or by imprisonment of
20 not more than thirty days, or both, and all firearms
21 used in the commission of [~~such~~] the violations shall



1 be considered contraband to be forfeited to and
2 disposed of by the State.

3 (b) Any person violating section 183D-25.5, 183D-26,
4 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a
5 misdemeanor, and upon conviction thereof, shall be punished as
6 follows:

7 (1) For a first conviction by a mandatory fine of not less
8 than \$200, or by imprisonment of not more than one
9 year, or both;

10 (2) For a second conviction within five years of a
11 previous conviction, by a mandatory fine of not less
12 than \$1,000, or by imprisonment of not more than one
13 year, or both, and all firearms used in the commission
14 of [~~such~~] the violations shall be considered
15 contraband to be forfeited to and disposed of by the
16 State; and

17 (3) For a third or subsequent conviction within five years
18 of the first two or more convictions, by a mandatory
19 fine of not less than \$2,000, or by imprisonment of
20 not more than one year, or both, and all firearms used
21 in the commission of [~~such~~] the violations shall be



1 considered contraband to be forfeited to and disposed
2 of by the State.

3 (c) Any person who violates section 183D- shall be
4 guilty of a misdemeanor, and upon conviction thereof, shall be
5 punished as follows:

6 (1) For a first conviction, by a mandatory fine of not
7 less than \$10,000 and payment of any costs incurred in
8 the eradication of any animal and progeny that has
9 been transferred, transported, or released after
10 transport, or by imprisonment of not more than one
11 year, or both;

12 (2) For a second conviction within five years of a
13 previous conviction, by a mandatory fine of not less
14 than \$15,000 and payment of any costs incurred in the
15 eradication of any animal and progeny that has been
16 transferred, transported, or released after transport,
17 or by imprisonment of not more than one year, or both;
18 and

19 (3) For a third or subsequent conviction within five years
20 of the first two or more convictions, by a mandatory
21 fine of not less than \$25,000 and payment of any costs
22 incurred in the eradication of any animal and progeny

1 that has been transferred, transported, or released
2 after transport, or by imprisonment of not more than
3 one year, or both.

4 ~~[(e)]~~ (d) Any person who violates section 183D-35,
5 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be
6 guilty of a petty misdemeanor, and upon conviction thereof,
7 shall be fined not less than \$100 or imprisoned not more than
8 thirty days, or both.

9 ~~[(d)]~~ (e) In addition to any other penalty imposed under
10 this section, a mandatory fine of \$100 shall be levied for each
11 bird illegally taken under this chapter and a mandatory fine of
12 \$500 shall be levied for each mammal illegally taken under this
13 chapter.

14 ~~[(e)]~~ (f) Any person who is convicted of violating any of
15 the game laws of the State shall immediately have their hunting
16 license forfeited and any person convicted for a second offense
17 shall not be granted a license to hunt for a period of three
18 years after the date of the second conviction.

19 ~~[(f)]~~ (g) The court, in lieu of the actual cash payment of
20 any mandatory fine, may allow the defendant to perform ~~[such]~~
21 the community service as directed by the department of land and



1 natural resources at the rate of one hour of service for every
2 \$10 of mandatory fine imposed.

3 ~~[(g)]~~ (h) Any criminal action against a person for any
4 violation of this chapter shall not be deemed to preclude the
5 State from pursuing civil legal action to recover administrative
6 fines and costs against that person. Any civil legal action
7 against a person to recover administrative fines and costs for
8 any violation of subtitle 4 of title 12 or any rule adopted
9 thereunder shall not be deemed to preclude the State from
10 pursuing any criminal action against that person."

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Wild or Feral Mammals; Interisland Transportation

Description:

Prohibits the interisland transfer, transport, or release after transport of wild or feral mammals, with certain exceptions; establishes mandatory fines. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

